



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

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NEM  
F. #2017R00089

*271 Cadman Plaza East  
Brooklyn, New York 11201*

May 27, 2020

By ECF

The Honorable Roslynn R. Mauskopf  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: United States v. Melvi Amador-Rios et al.  
Criminal Docket 18-398 (S-3) (RRM)

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Dear Judge Mauskopf:

The government submits this letter to provide the Court with an update on the status of the above-captioned matter. As the Court is aware, on September 12, 2019, a grand jury sitting in this district returned a third superseding indictment charging defendants Melvi Amador-Rios, Luis Rivas and Josue Leiva with, among other crimes, the May 16, 2017 murder of Julio Vasquez, in violation of Title 18, United States Code, Section 1959(a)(1). The penalty for this crime is a mandatory life sentence or death. After the third superseding indictment was returned, capital counsel and learned counsel were appointed for Amador-Rios, Rivas and Leiva.<sup>1</sup>

Counsel for the death-eligible defendants intend to submit mitigation reports to the government in connection with the government's process for determining whether to seek the death penalty against any of the defendants. Defense counsel have advised the government that they have retained mitigation experts and have begun compiling information and documents relevant to their submissions. Prior to the current global COVID-19 pandemic, defense counsel for Amador-Rios and Leiva anticipated being able to submit their mitigation reports in September 2020. According to defense counsel, however, the current national emergency has negatively impacted their ability to complete their mitigation submissions by, among other things, limiting counsel's and their mitigation expert's ability to speak with their clients and preventing the collection of relevant documents both in the United States and

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<sup>1</sup> At the status conference on December 17, 2019, Rivas requested that his capital counsel and learned counsel be relieved. The Court granted Rivas' request, and on February 10, 2020, appointed new capital counsel and learned counsel for Rivas.

abroad. Defense counsel have advised the government that they may be able to finalize their mitigation submissions by the end of the year. Given the ongoing uncertainty regarding the global pandemic and when the issues discussed above that have negatively impacted this process will be resolved, defense counsel have informed the government that this is only an estimate and that they are not able to predict with certainty when they will be able to finalize their mitigation submissions. Once the mitigation reports are submitted to the government, it will review them expeditiously to move the process forward.

Respectfully submitted,

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